

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the  
United States Postal Service first class mail in an envelope addressed to:  
MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450,  
on 9-29-10

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: Evelyn Gomez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/575,991 Confirmation No. 2082  
Applicant : Lital Alfonta, et al.  
Filed : April 13, 2006  
TC/A.U. : 1656  
Examiner : Kagnew Gebreyesus  
Docket No. : 54-000711US  
Customer No. : 22798  
Client Ref No.: 1009.1 US / NOV0608P  
Novartis Ref. No.: DC/4-33965/SCR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Declaration in Support of**  
**Petition to Withdraw Holding of Abandonment**

I, Gary Baker, declare:

I am the Attorney with primary responsibility for prosecution of the above  
cited case at the Quine IP Law Group (QIPLG).

It is the routine practice of QIPLG without exception to docket all Office  
Actions received into IP Master docketing software. Further, it is routine practice,  
without exception to e-mail daily docket reminders to staff regarding due dates for replies  
to the Patent Office. I have reviewed the docket and relevant daily docket e-mails. I  
confirm there are no entries relating to the Office Action of November 13, 2009, in the  
above cited case.

It is the routine practice of QIPLG without exception to place all original  
Office Actions received into the appropriate case file. I have reviewed the file for the

above cited case and confirm the original Office Action, said to be mailed on November 13, 2009, is not in the file.

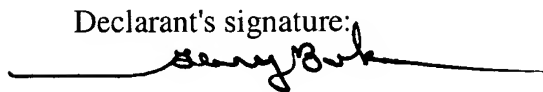
It is the routine practice of QIPLG without exception to report out all Office Actions received to the Applicants and retain a copy of the correspondence in the file. I have reviewed the case file, and my relevant electronic folders for the above cited case and confirm the Office Action was only reported to Applicants based on a copy of the Action retrieved from PAIR on June 8, 2010.

I have made a search of the file, docket and calendar without discovery of any record indicating the Action had been received. The search included at least examination of physical locations of physical file processing and the permanent physical file for the application. The search of the file jacket revealed no copy of the Action. The Quine IP Law Group consistently and reliably processes incoming communications and does not have a history of misfiling or non-receipt of Office communications.

Because there is no record of receiving delivery of the November 13, 2009, Office Action in our docket or files, I believe the non-final Office Action was never actually delivered to the QIPLG offices.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

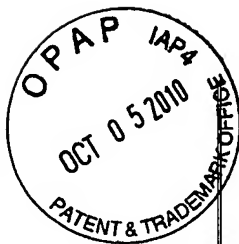
Declarant's signature:



Gary Baker

Sept 29, 2010

Date



I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to:  
Mail Stop PETITION; Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on 9-29-10  
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

By: Evelyn Barker

Atty Docket No: 54-000711US  
Client Ref: 1009.1 US / NOV0608P  
Novartis Ref. No. DC/4-33965/SCR

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Lital Alfonta, et al.

Application No.: 10/575,991

Filed: April 13, 2006

For: **SITE-SPECIFIC INCORPORATION  
OF REDOX ACTIVE AMINO ACIDS INTO  
PROTEINS**

Examiner: Kagnew H. Gebreyesus

Art Unit: 1656

**REPLY TO DISMISSAL OF  
PETITION UNDER 37 C.F.R. §  
1.137(b) TO REVIVE; and  
RENEWED PETITION UNDER 37  
C.F.R. § 1.181 TO WITHDRAW  
HOLDING OF ABANDONMENT**

Mail Stop Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants have previously filed (June 17, 2010) a Petition to Withdraw Holding of Abandonment and a contingent Petition to Revive the above cited application. Both petitions have been dismissed in the Decision mailed August 17, 2010. The Office has allowed two (2) months from the mail date of the Decision to request reconsideration of the Dismissals.

Petitioner provides herein a Renewed Petition to Withdraw Holding of Abandonment under 37 C.F.R. § 1.181 in response to response to the Decision on the Petition mailed August 17, 2010 and the Notice of Abandonment dated June 1, 2010, for the above-referenced application. As the initial petition is filed within two months of the Notice of Abandonment, and the renewed petition has been filed within the two months deadline for reconsideration provided in the Decision, this petition is timely filed under 37 C.F.R. § 1.181(f).

The Notice of Abandonment indicated that the application was abandoned for failure to respond to the outstanding Final Office Action dated November 13, 2009.

Applicants petition for withdrawal of the Notice of Abandonment on the ground that Applicants never received the Office Action (the Action), said to have been mailed on November 13, 2009. That is, Petitioners hereby confirm non-receipt of the Action at the correspondence address of record: QUINE INTELLECTUAL PROPERTY LAW GROUP, PO BOX 458; Alameda, CA 94501. As is noted in the attached Declaration of Attorney Gary Baker, the Office Action was never received at the Quine IP Law Group.

Further, Petitioner states that a search (of the file, docket and calendar) was made by Petitioner without discovery of any record indicating the Action had been received. The search included at least review of physical locations of file processing and the permanent physical file for the application. In particular, the search of the hard file jacket for the application, where the Action would be expected to reside if received, revealed no copy of the Action. The Quine IP Law Group consistently and reliably processes incoming communications and does not have a history of misfiling or non-receipt of Office communications.

Petitioner notes that the Quine IP Law Group maintains a system for recording an Office action received at the correspondence address of record with the USPTO. All USPTO communications received at the correspondence address of record are systematically entered into IP Master docketing software. Data entered into the docket system regarding the Office communications received include at least the application number, attorney docket number, mail date of the Office action and the due date of the response.

Attached is a copy of the records used by the Quine IP Law Group where the non-received Office Action would have been entered had it been received. As outlined in MPEP 711.03(c)(A), the showing of non-receipt includes the output from the master docket from the firm. Attached is a copy of the Quine IP Law Group master docket (Daily Docket report with notes redacted as not material to issues at hand) showing all replies docketed for a date (February 13, 2010) three months from the mail date from the mail date of the non-received Office Action. Because the due date of February 13, 2010 was a Saturday, the Daily Docket for that date includes all entries from 2/12 to 2/15 of 2010. Note there is no entry for Quine docket number 54-000711 (application 10/575,991). Although Office Action response dates are diligently and systematically

entered into the Quine Law Group docket system, no entry exists for the nonrecieved Office Action in the matter of application 10/575,991.

Withdrawal of the holding of abandonment and consideration of the attached response is respectfully requested.

The Contingent Petition to Revive under 37 CFR § 1.137 (b) was dismissed for allegedly not satisfying the fee requirements. However, Applicants note that the fee requirements were in fact met. Petitioner stated, at page 2 of the June 17, 2010, Petition that "If necessary to consider the Petition under 37 CFR 1.137 (b), a petition fee is provided, as set forth in § 1.17(m)." In the Fee Transmittal for (PTO/SB/17) of June 17, 2010, Petitioner provided a payment method, a deposit account number and specifically authorized charge of fees under 37 CFR 1.17. Therefore, all requirements for the contingent Petition to Revive were met.

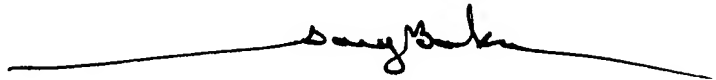
Only, in the event that the Petition to Withdraw Holding of Abandonment under 37 C.F.R. § 1.181 (above) is not granted, please consider the Petition to Revive based on unintentional abandonment under 37 CFR § 1.137 (b). I hereby state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The petition fee, as set forth in § 1.17(m), is provided to consider the Petition under 37 CFR § 1.137 (b). Petitioner requests return of any overpayment of fees. Further, present in this filing is another copy of the Response to the November 13, 2009, Office Action, and a signed Terminal Disclaimer. Therefore, all requirements of for a Petition to Revive under 37 CFR § 1.137 (b) are again met in this filing.

The Petition of June 17, 2010, met all requirements, including payment of required fees. Further, the present filing provides all elements required under 37 CFR § 1.137 (b) for a Petition to Revive. Therefore, Petitioner requests consideration of the Petition to Revive for unintentional delay.

If it is determined that this petition cannot be granted, the Examiner is requested to please telephone the undersigned at (510) 769-3510.

QUINE INTELLECTUAL PROPERTY  
LAW GROUP, P.C.  
P.O. BOX 458  
Alameda, CA 94501  
Tel: 510 337-7871  
Fax: 510 337-7877

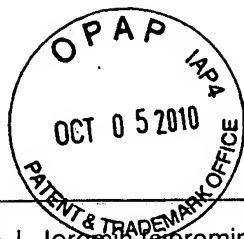
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary Baker", is written over a horizontal line.

Gary Baker  
Reg. No: 41,595

Attachments:

- 1) A transmittal sheet;
- 2) Fee Transmittal;
- 3) Response;
- 4) Terminal Disclaimer;
- 5) Declaration of Petitioner;
- 6) Master Docket daily entry for 2/13/10; and,
- 7) A Receipt Indication Postcard



Gary Baker

From: Sarah J. Jeromin [sjeromin@quinelaw.com]

Sent: Friday, February 12, 2010 8:59 AM

To: QIPLG

Subject: 2/12 - 2/15 Daily Docket

Action Due Date	Action	Attorney	Working Attn	Docket Number	Country	Notes
2/12/2010	Follow up	Monicia Elrod-Erickson		105-001103US	United States	[REDACTED]
2/12/2010	Nat. Phase-4 Mo.Rem	Gary Baker		130-000610PC	Patent Cooperation Treaty	
2/12/2010	File Assignment	Gary Baker		26-004410US	United States	
2/12/2010	Filing Receipt Received	Gary Baker		26-004410US	United States	
2/12/2010	Has Missing Parts Arrived?	Gary Baker		26-004410US	United States	
2/12/2010	Info Discl. Statement	Gary Baker		26-004410US	United States	
2/12/2010	Preliminary Amendment	Gary Baker		26-004410US	United States	
2/12/2010	Review Priority Claim	Gary Baker		26-004410US	United States	
2/12/2010	Maint. Fee Due Reminder	Stephen J. LeBlanc		511-000110US	United States	
2/12/2010	Preliminary Amendment	Gary Baker		54-000330US	United States	[REDACTED]
2/12/2010	Filing Receipt Received	Gary Baker		54-000331US	United States	
2/12/2010	Preliminary Amendment	Gary Baker		54-000331US	United States	[REDACTED]
2/12/2010	Review Priority Claim	Gary Baker		54-000331US	United States	
2/12/2010	Instruct associate	Jonathan Alan Quine	Brian E. Davy	54-000332EP	European Patent Convention	[REDACTED]
2/12/2010	Received 1st OA?	Stephen J. LeBlanc		546-000210US	United States	[REDACTED]
2/12/2010	Amendment of Claims	Stacy M. Landry		54A-000240EP	European Patent Convention	[REDACTED]
2/12/2010	New Claims Due	Paul Littlepage		97-000110AU	Australia	[REDACTED]
2/12/2010	New Claims Due	Paul Littlepage		97-000110EP	European Patent Convention	[REDACTED]
2/13/2010	File Assignment	Stacy M. Landry		309J-002000US	United States	[REDACTED]

2/13/2010	Instruct associate	Stacy M. Landry		54A-000240AU	Australia	[REDACTED]
2/13/2010	PTA Review	Gary Baker		79-001000US	United States	[REDACTED]
2/14/2010	RESPONSE 3rd OA- FINAL DEADLINE	Stacy M. Landry		120-000220MX	Mexico	[REDACTED]
2/14/2010	Appeal due - 1st extension	Stacy M. Landry		120-000220US	United States	
2/14/2010	Final rejection - 1st extensio	Stacy M. Landry		120-000220US	United States	
2/14/2010	Interview Summary Due	Stacy M. Landry		120-000220US	United States	
2/14/2010	McKesson Statement	Stacy M. Landry		120-000220US	United States	[REDACTED]
2/14/2010	FINAL REJECTION DEADLINE	Gary Baker		309J-000320US	United States	[REDACTED]
2/14/2010	NOTICE OF APPEAL DUE	Gary Baker		309J-000320US	United States	
2/14/2010	Divisional application	Gary Baker		318-002420JP	Japan	[REDACTED]
2/14/2010	Received 1st OA?	Gary Baker		318-002420JP	Japan	[REDACTED]
2/14/2010	892-IDS	Stacy M. Landry		47-004512US	United States	[REDACTED]
2/14/2010	892-IDS	Stacy M. Landry		47-004512US	United States	[REDACTED]
2/14/2010	892-IDS	Stacy M. Landry		47-004512US	United States	[REDACTED]
2/14/2010	McKesson Statement	Stacy M. Landry		47-004512US	United States	[REDACTED]
2/14/2010	Appeal due - 1st extension	Stacy M. Landry		54-000251US	United States	
2/14/2010	Final rejection - 1st extensio	Stacy M. Landry		54-000251US	United States	[REDACTED]
2/14/2010	312 amendment - 1 month remind	Jonathan Alan Quine	Gary Baker	54-000631US	United States	[REDACTED]
2/14/2010	Reminder issue fee due	Jonathan Alan Quine	Gary Baker	54-000631US	United States	[REDACTED]
2/14/2010	30-MO NATIONAL PHASE DEADLINE	Stephen J. LeBlanc		546-000110PC	Patent Cooperation Treaty	[REDACTED]
2/14/2010	Divisional application	Monicia Elrod-Erickson		70-002410US	United States	[REDACTED]
2/14/2010	McKesson Statement	Monicia Elrod-Erickson		70-002410US	United States	[REDACTED]
2/15/2010	Draft due	Jonathan Alan Quine	Brian E. Davy	105-005200US	United States	[REDACTED]
2/15/2010	1st Office Action	Paul Littlepage		141-000130MX	Mexico	[REDACTED]



2/15/2010	Assignment Due	Paul Littlepage		141-000130MX	Mexico	[REDACTED]
2/15/2010	Pwr Of Atty Req.	Paul Littlepage		141-000130MX	Mexico	[REDACTED]
2/15/2010	1st Office Action	Paul Littlepage		141-000140MX	Mexico	[REDACTED]
2/15/2010	Assignment Due	Paul Littlepage		141-000140MX	Mexico	[REDACTED]
2/15/2010	Pwr Of Atty Req.	Paul Littlepage		141-000140MX	Mexico	[REDACTED]
2/15/2010	Response- 1st extens	Paul Littlepage	Brian E. Davy	42-001000US	United States	[REDACTED]
2/15/2010	Instruct associate	Monicia Elrod-Erickson		54-000920AU	Australia	[REDACTED]
2/15/2010	Instruct associate	Jonathan Alan Quine	Edward J. DesJardins	54-001510AU	Australia	[REDACTED]
2/15/2010	312 amendment - 1 month remind	Paul Littlepage		54A-000618US	United States	[REDACTED]
2/15/2010	McKesson Statement	Paul Littlepage		54A-000618US	United States	[REDACTED]
2/15/2010	Reminder issue fee due	Paul Littlepage		54A-000618US	United States	[REDACTED]
2/15/2010	Instruct associate	Gary Baker		58-000110JP	Japan	[REDACTED]
2/15/2010	Instruct associate	Jonathan Alan Quine	Brian E. Davy	63-000210JP	Japan	[REDACTED]
2/15/2010	Instruct associate	Stacy M. Landry		85-000110AU	Australia	[REDACTED]